



Docket No.: 218973US3

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

ATTORNEYS AT LAW

C. IRVIN McCLELLAND  
(703) 413-3000  
IMCLELLAND@OBLON.COM

RE: Application Serial No.: 10/061,150

Applicants: Michikazu MIYAMOTO, et al.

Filing Date: February 4, 2002

For: MULTISTAGE STROKE CYLINDER APPARATUS

Group Art Unit: 3747

Examiner: N/A

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TECHNOLOGY CENTER R3700

SIR:

Attached hereto for filing are the following papers:

**NOTICE OF ABANDONMENT DATED JANUARY 21, 2004**

**REQUEST FOR WITHDRAWAL OF HOLDING OF ABANDONMENT BASED ON FAILURE  
TO RECEIVE THE NOTICE TO FILE MISSING PARTS**

**ATTORNEY DECLARATION**

**COMPUTER LOG PRINTOUT DATED MARCH 4, 2002 THROUGH MARCH 19, 2002**

**COPY OF DATED STAMPED FILING RECEIPT DATED FEBRUARY 4, 2002**

**COPY OF APPLICATION AS FILED ON FEBRUARY 4, 2002**

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

*Joseph A. Scafetta, Jr.*  
C. Irvin McClelland

Registration No. 21,124  
Joseph A. Scafetta, Jr.  
Registration No. 26, 803

Customer Number

22850

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/061,150	02/04/2002	Michikazu Miyamoto	218973US3

CONFIRMATION NO. 9171  
 ABANDONMENT/TERMINATION  
 LETTER

22850  
 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
 1940 DUKE STREET  
 ALEXANDRIA, VA 22314



\*OC000000011727742\*

Date Mailed: 01/21/2004

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 03/04/2002.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

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*CDJ:am*  
 Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

218973US3



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF : :

Michikazu MIYAMOTO, et al. : EXAMINER: N/A

SERIAL NO: 10/061,150 : GROUP ART UNIT: 3747

FILED: February 4, 2002 : :

TITLE: MULTISTAGE STROKE CYLINDER APPARATUS

**REQUEST FOR WITHDRAWAL OF HOLDING OF ABANDONMENT**  
**BASED ON FAILURE TO RECEIVE THE NOTICE TO FILE MISSING PARTS**

Commissioner for Patents  
Alexandria, VA. 22313-1450

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Responsive to the Notice of Abandonment dated January 21, 2004, Applicants, through counsel of record, respectfully request that the holding of abandonment for the above-identified Application be withdrawn due to the fact that the Notice to File Missing Parts mailed by the Patent and Trademark Office on March 4, 2002 was not received by Applicants' Attorneys. The facts concerning this matter are as follows.

Upon receipt of mail from the Patent and Trademark Office in this firm, all mail is opened and logged in a daily computer log. The due date is entered in the firm computer docketing system. At the time of entry into the computer, the serial numbers are checked to ensure that the correct docket number appears on the mail so that the documents are entered in the correct application in the computer and matched with the correct application file. Any due dates resulting from the Patent and Trademark Office mail are also entered in the computer.

Application No.: 10/061,150

Inventor: Michikazu MIYAMOTO, et al.

Request to Withdrawal Holding of Abandonment Based on Failure to Receive the Notice to File Missing Parts

Page: 2

After receiving the Notice of Abandonment, our computer system was checked. The computer Patent Due Dates section for the subject application did not show a current due date for the Declaration, nor did it show receipt of the Notice to File Missing Parts (see attached computer printout).

The application file was then pulled and the full contents of the file were reviewed. The application file contained no Notice to File Missing Parts. The Patent Office computerized Mail Log was then checked. All mail received from the Patent and Trademark Office is logged in the mail log by serial number or patent number, along with a description of the mail received, on a daily basis. Mail from the Patent Office is generally received by our firm within two or three days of mailing. However, to ensure a complete check, the daily log was checked from March 4, 2002 through March 19, 2002 and found to contain no record of having received the Notice to File Missing Parts for the above-identified application.

Also enclosed is a copy of the date-stamped filing receipt dated February 4, 2002 evidencing filing of the signed Declaration with the Application. A copy of the filed Application is attached herewith.

It is believed that the above discussion and documents enclosed herewith clearly prove the nonreceipt of the Notice to File Missing Parts and therefore, the holding of abandonment was issued in error.

Application No.: 10/061,150

Inventor: Michikazu MIYAMOTO, et al.

Request to Withdrawal Holding of Abandonment Based on Failure to Receive the Notice to File Missing Parts

Page: 3

Accordingly, it is requested that the holding of abandonment be withdrawn and that prosecution be allowed to continue in the present application.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



C. Irvin McClelland  
Registration No. 21,124  
Attorney of Record  
Joseph A. Scafetta, Jr.  
Registration No. 26, 803

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Dept.: PP/JF

By: CIM/cp

OSMM&N File No. 218973US3

Serial No. NEW APPLICATION

In the matter of the Application of: Michikazu MIYAMOTO, et al.  
For: MULTISTAGE STROKE CYLINDER APPARATUS

The following has been received in the U.S. Patent Office on the date stamped hereon:

36 pp. Specification      13 Claims/Formal Drawings      7 Sheets  
and 2 Pages Application Data Sheet

Combined Declaration, Petition & Power of Attorney      4 pages

List of Inventor Names and Addresses

Utility Patent Application Transmittal

Request for Priority

Check for \$740.00

Fee Transmittal Form

Assignment/PTO 1595 pages:

Letter to Official Draftsman

Letter Requesting Approval of Drawing Changes

Drawings sheets  Formal

Letter

Amendment

Information Disclosure Statement

Cited References

Search Report

Statement of Relevancy

IDS/Related/List of Related Cases

Restriction Response

Rule 132 Declaration

Petition for Extension of Time

Notice of Appeal

Brief

Issue Fee Transmittal

White Advance Serial Number Card

Small Entity Status is claimed



PTO-1449

Cited Pending Applications

Election Response

Due Date: 2/20/02

<b>UTILITY PATENT APPLICATION TRANSMITTAL</b> <small>(Only for new nonprovisional applications under 37 CFR 1.53(b))</small>		Attorney Docket No. 218973US3
		First Inventor or Application Identifier Michikazu MIYAMOTO, et al.
		Title MULTISTAGE STROKE CYLINDER APPARATUS
		Assignee Name: SMC Corporation Assignee Address: 16-4, Shinbashi 1-chome, Minato-ku, Tokyo, Japan

O I P E  
MAR 19 2004  
SEARCHED & TRADEMAKED

<b>APPLICATION ELEMENTS</b> <small>See MPEP chapter 600 concerning utility patent application contents</small>		Assistant Commissioner for Patents ADDRESS TO: Box Patent Application Washington, DC 20231
<p>1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g. PTO/SB/17) (Submit an original and a duplicate for fee processing)</p> <p>2. <input checked="" type="checkbox"/> Specification Total Sheets <span style="border: 1px solid black; padding: 2px;">36</span></p> <p>3. <input checked="" type="checkbox"/> Formal Drawing(s) (35 U.S.C. 113) Total Sheets <span style="border: 1px solid black; padding: 2px;">7</span></p> <p>4. <input checked="" type="checkbox"/> Oath or Declaration Total Pages <span style="border: 1px solid black; padding: 2px;">4</span></p> <p>a. <input checked="" type="checkbox"/> Newly executed (original)</p> <p>b. <input type="checkbox"/> Copy from a prior application (37 C.F.R. §1.63(d)) (for continuation/divisional with box 17 completed)</p> <p>i. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. §1.63(d)(2) and 1.33(b).</p> <p>5. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)</p> <p>6. <input type="checkbox"/> Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)</p> <p>a. <input type="checkbox"/> Computer Readable Form (CRF)</p> <p>b. Specification or Sequence Listing on:</p> <p>i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or</p> <p>ii. <input type="checkbox"/> Paper</p> <p>c. <input type="checkbox"/> Statements verifying identity of above copies</p>		<p><b>ACCOMPANYING APPLICATION PARTS</b></p> <p>7. <input type="checkbox"/> Assignment Papers (cover sheet &amp; document(s))</p> <p>8. <input checked="" type="checkbox"/> Application Data Sheet. See 37 CFR 1.76</p> <p>9. <input type="checkbox"/> 37 C.F.R. §3.73(b) Statement (when there is an assignee) <input type="checkbox"/> Power of Attorney</p> <p>10. <input type="checkbox"/> English Translation Document (if applicable)</p> <p>11. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations</p> <p>12. <input type="checkbox"/> Preliminary Amendment</p> <p>13. <input checked="" type="checkbox"/> White Advance Serial No. Postcard</p> <p>14. <input checked="" type="checkbox"/> Certified Copy of Priority Document(s) (1) (if foreign priority is claimed)</p> <p>15. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p> <p>16. <input checked="" type="checkbox"/> Other: Request for Priority</p>

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17. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below:			
<input type="checkbox"/> Continuation		<input type="checkbox"/> Divisional	<input type="checkbox"/> Continuation-in-part (CIP) of prior application no.:
Prior application information:		Examiner:	Group Art Unit:
For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 4b, is considered a part of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation <u>can only</u> be relied upon when a portion has been inadvertently omitted from the submitted application parts.			
18. Amend the specification by inserting before the first line the sentence:			
<p><input type="checkbox"/> This application is a <input type="checkbox"/> Continuation <input type="checkbox"/> Division <input type="checkbox"/> Continuation-in-part (CIP) of application Serial No. Filed on</p> <p><input type="checkbox"/> Which was published in English</p> <p><input type="checkbox"/> Which was not published in English</p> <p><input type="checkbox"/> This application claims priority of provisional application Serial No. Filed</p>			

**19. CORRESPONDENCE ADDRESS**



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(703) 413-3000  
FACSIMILE: (703) 413-2220

Name: C. Irvin McClelland	Registration No.: 21,124
Signature:	Date:
Name:	Registration No.:

Docket No. 218973US3



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR(S) Michikazu MIYAMOTO, et al.

SERIAL NO: New Application

FILING DATE: Herewith

FOR: MULTISTAGE STROKE CYLINDER APPARATUS

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ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

FOR	NUMBER FILED	NUMBER EXTRA	RATE	CALCULATIONS
TOTAL CLAIMS	13 - 20 =	0	× \$18 =	\$0.00
INDEPENDENT CLAIMS	2 - 3 =	0	× \$84 =	\$0.00
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS (If applicable)			+ \$280 =	\$0.00
<input type="checkbox"/> LATE FILING OF DECLARATION			+ \$130 =	\$0.00
			BASIC FEE	\$740.00
			TOTAL OF ABOVE CALCULATIONS	\$740.00
<input type="checkbox"/> REDUCTION BY 50% FOR FILING BY SMALL ENTITY				\$0.00
<input type="checkbox"/> FILING IN NON-ENGLISH LANGUAGE			+ \$130 =	\$0.00
<input type="checkbox"/> RECORDATION OF ASSIGNMENT			+ \$40 =	\$0.00
			TOTAL	\$740.00

Please charge Deposit Account No. 15-0030 in the amount of A duplicate copy of this sheet is enclosed.

A check in the amount of \$740.00 to cover the filing fee is enclosed.

The Commissioner is hereby authorized to charge any additional fees which may be required for the papers being filed herewith and for which no check is enclosed herewith, or credit any overpayment to Deposit Account No. 15-0030.  
A duplicate copy of this sheet is enclosed.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

**COPY**

C. Irvin McClelland

Registration No. 21,124

Date: \_\_\_\_\_



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(OSMMN 10/01)



MD/15/02

The U.S. Patent Office stamp affixed hereinbelow indicates the filing date and Serial Number for the following application:

OSMM&N DOCKET:

218973 US3

~~219873 US3~~

J1011 U.S. PTO  
10/061150

Inventor:

Michikazu MIYAMOTO, et al.

  
02/04/02

Title:

MULTISTAGE STROKE CYLINDER  
APPARATUS

This is NOT a filing receipt! Please retain for ADVANCE NOTICE SERIAL NUMBER.

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